THE WAR IN PARAGUAY.

Allied Reports of the Attack on Humaita.

Establecimiento Captured and Abandoned.

The Allied Iron-Clads Probably in a Trap.

SPECIAL CORRESPONDENCE OF THE HERALD.

Details of the Allied Attack on Humaita-The o Abandoned by the Captors-The Allied

RIO JANEIRO, March 11, 1868.

The spurring which the inemable generalissimo of all the Brazilian land and water forces in that mud and watery region called Southern Paraguay has received since the lat of January, when the people of Brazil, patient as assess before, first really began to wake up to the idea that as a mere matter of dollars RIO JANEIRO, March 11, 1848. or some other purpose than to start and all new graveyards every week, has resulted in a movement renuine importance to the allied cause—namely, the cing of the river batteries of Humaitá, belowwhich the Brazilian fron-clads had laid so long "ground ing on their beef bones," as the old saits say. In fact, upon the morning of the 19th of February the trial was made, and, like many another difficulty, fear of he unknown was found to be the greatest reason why it had not been attempted many months before, on that day, before daylight, six small Brazilian ironclads, intended solely for river service, passed over the great three chains boom, which lay in a ticklish position for a vessel to raise and cut, and after runing the gauntiet of the seventy to eighty cannon, nounted af various commanding points of the tortuous channel, arrived in the open stream above, with out the loss of man or monitor, but with the sides and towers or casemates so badly hammered during the

forty minutes or so, while they remained under fire, that two of them had to beach to prevent their filling.

The passage of Humaitá by six vessels, even although they were iron-clads, was a tolerably plucky action, although they came out of it so much than any one anticipated, and although the freshet of the river enabled them to pass over the chains which, at a lower stage of water, they would annon. Three of the six vessels were monitors of he timest kind, carrying one seventy pounder ride: the three others were somewhat larger; two carried four one hundred and fifty pounders each, in a square is have thicker iron on them than four and a solid, hard wood. A single two hundred pound Parrott gun in the Paraguayan batteries would long central battery, in the Brazilian navy; but, as is said. he wind is tempered to the shorn lamb, and fortu-lately for the allied cause, the heaviest cannon of the Paraguayan batteries are two or three of eighty pounds; the rest are sixty-eights, thirty-twos and

The following are the only accounts which have as ret been got of the passing of Humaita and the pre-seding ascent past the batteries of Curupeity by the hree small monitors spoken of above, the capture of Estabelecimiento and she reported arrival of the gun-losis at Asunctor. abelecimiento and see reports its at Asuncion:—
in the night of the 18th of February the three
all tron-clads, Pará, Alagóas and Rio Grande,
lit in Rio, passed up past the batteries of Curupaty
join the iron-clad division above.
According to the reports of the various officials, a
st attempt was made on the previous night, but,

According to the reports of the various officials, a first attempt was made on the previous night, but, owing to the unmanageability of the vessels, due to the small power and had working of their engines, causing them to yaw dangerously in the swift running stream, the officer in command signalled to them to return before they came in range of the enemy's guns. On their return the Alagoas ran into the gunboat Ypiranga and had her chimney thrown on her deck. The 15th was spent in rectifying the engines and improving the steerage of the vessels, and at a little past s:30 P. M., with a dark and showery sky, the three little iron-chands set out to creep past the batteries of Curupaity, numbering about twenty guns, four of them sixty-eights. Notwithstanding the precautions taken to avoid alarming the Paraguaysins these soon discovered the movement and opened a fierce fire, but as the gunboats hugged the Chaco side and were scarcely discernible in the dark night, the only one touched was the Rio Grande, which, having got into a foating grass island, was forced to back out and thus gave a favorable opportunity to the Paraguayans. She was struck with two sixty-eight-pound cannon balls—one on the tower, dinting it one inch, and one on the side, dinting one and a half inches, and, it is said, loosening the plate. This vessel was an hour and a half within range and the others about an hour. As soon as the Faraguayan batteries showed signs of alarm the wooden division below moved up and maintained a heavy fire upon them until the monitors had passed in safety. No lives were lost, hour. As soon as the faragrayan batteries shout an isome signs of alarm the wooden division below moved up and maintained a heavy fire upon them until the monitors had passed in safety. No lives were tost. The Rio Grande steered very badly, and, on one occasion, although her steering was added by minagement of her twin screws, she yawed so much as to touch the river bank with her bows. As the successful passing of Curupaity by these vessels was to be followed by the attempt to send a division of iron-clads past Humaita, of which division the three little monitors were to form part, every effort was made to put them in the best possible order and remove their defects. On the 18th the division was prepared, and the early morn of the 19th was fixed for the daring essay. This division consisted of the Bahla, four (1.0 pound rifle in two currets), carrying the flag of Commodore Delphim Carlos de Carvalho, son-in-law of Admiral Ignacio; Barroso, four (casemate): Park, one (seventy pound rifle in turret); Alagóas, one (seventy pound rifle in turret); Alagóas, one (seventy pound rifle in turret). The Bahia was to tow the Alagóas, the Barroso the Rio Grande and the Tamandare the Park.

The river had risen so greatly that the chains placed sianting across the river in face of the great battery "London" of Humaité bagged in the middle so much, owing to the destruction of the three supporting flats, as to be there twelve feet below the surface. The larger, iron-clads drew eight to nine feet and the small monitors dive to six feet of water, and so far they were attempting the passage under favorable circumstances that the cutting of the heavy chains under the concentrated and heavy fire of the batteries converging on them would have been an operation of great risk and difficulty. The great rise of the river, it was beheved, had disabled or carried of the torpedoes in the channet; but, with all the advantages arising from those circumstances, it was looked upon as probable that one or more of the advantages arising from thos

eight pounders. and two or three one hundred and fifty pounders. The despatch of Admiral Ignacio relates the feat as follows:—

Size—The national marine and army have just given her most brilliant day of glory to Brazil. On the 19th inst., at thirty-five minutes past three in the morning, the Third division of the squadron under my command, composed of the iron-clads Bahab, Earroso and Tamandaré, and the monitors Pará, Alagóas and Rio Grande, under the orders of Captain Delphim Carlos de Carvalho, and protected by the fire of the iron-clads Brazil, Lima Barros, Colombo, Cabral, Silvado and Herwal, under my commandim-chief and of the respective commander of division, Captaih Joaquim Rodrigues day Costa, forced the famous pass of Humalia and, after it, the still stronger one of Timbo. I am sorry I cannot as yet give the particulars of this resonnting action, one which will equalize our marine with the most important in the world. At the moment I write televan A. M.) I receive from the brave Marquis de Caxias. Communder-in-Chief of the army, the note which I have the honor to offer to you in copy, and also the quickly written balletin sent to me by Captain Delphim could not send me the official reports, as he was proceeding straight on to Asuncion. To what I have written I must take the pleasure of adding a heroic episode, part of which was witnessed by me and part reported from the army; — A ball from Humalita cut the hawser fastening the Bahia to the Aigoas; the latter was carried down stream, and I signalized to it to anchor. Commander Maurity, however, imitating Nelson, "Did not see Parker's signal." He steamed up stream and passed, under a cloud of balls, all the batteries of Humalita, getting past them only when daylight was clear. Such Dravery, such devotion, so fine an example filled me with enthusiasus. Actions like this should not be judged by prudence alone. I therefore allowed the heroic Lieutenant Joaquim Antonio Cordovii Maurity to follow his good destiny, since of the produce of the gradown. Your Ex

Assis Figuresiando, Minister and Secretary of Marine.

BARON DE INHAUMA, Commander-in-Chief. The leading vessel, the Barroso, with the Rio Grande, was struck only four times from Humaitá, but twenty times from Timbó, a strongly fortified point higher up. The Tamandare and Pará, which followed, were so badly mauled that they had to loilowed, were so badly mauled that they had to lake ground at Tayl to prevent their sinking. The Alagoas was of course most exposed and received such battering that several of her plates on both tower and sides were loosened and some even beaten off. Immediately on arrival above the batteries the vessels opened upon Timbo and Laureles. The Bahla, Barroso and Rio Grande, which had suffered least, took in coal from a small deposit brought to Tayl, and proceeded on the 20th up the river towards Asuncion, with the mission of destroying, as far as possible, everything which could be of service to the defenders.

Cholera had entirely left the fleet at last dates.

Asuncion, with the mission of destroying as far as possible, everything which could be of service to the defenders.

Oholers had entirely left the fleet at last dates. The high freshet of the Paraguay had flooded and inutilized the naval railway in the Carco, and probably also the road there by which the Paraguayans had been receiving supplies, in any case of no further service in consequence of the iron-clads having possession of the river above Humaitá.

CAPTURE OF THE WORK CALLED ESTABELECIMIENTO. In connection with the foreing of Humaitá by the iron clads the Marquis de Caxias had planned an attack upon the Paraguayan outwork above Humaitá and on the river Paraguay, with the object of shortening the line of slege and of giving the army a triumph more immediately personal to it than that of the fleet. To conceal the real point of attack feigned movements and attacks were undertaken. On the afternoon of the 18th, then about 6,000 men, manney, cavalry and artillery, with twelve pieces, were formed outside the camp of Tuyu-cué and after being reviewed by the Marquis de Caxias returned to camp. However, at ten P. M. these troops were again got quietly under arms and they marched by S. Solano in the direction of the Estabelecimiento or Estancia de Santa Anna. On getting close to it they were put in order of battle with the cavalry on the left, and the approaches and works were reconnoticred. These were circled by two deep channelled watercourses, and lakes, ponds and water channels covered them to the river, leaving but a small front accessible from any points. The first brigade, under command of Colonel Barras Falcao, consisting of the Thirty, first battailon, the Sixteenth, and the needle gun battailon, for the first time brought into action, rushed to the assault but was met with such a heavy fire of rockets, grape and shrappell, that the starmers hesitated at the ditch and turned. At this time, however, two butallions of Colonel Paineiro Giumarae's brigade (the Third), in support, came up and with a rush the these charged the intrenchment lance in hand and succeeded in entering it almost simultaneously with the infantry. The Paraguayan garrison consisted of about 1,500 men, with fifteen light cannon, and the two Paraguayan steamboats aided greatly in the defence, their heavy cannon sweeping with grape the approaches of the work. After the successful storming was effected fire was opened on the steamers, but they succeeded in escaping down to Humatt. The losses of the Brazilians were 148 killed, 339 wounded and 42 bruised, in all 129. That of the Paraguayans was about 120 killed and a few prisoners, besides 15 cannon and a quantity of arms, munitions and cattle. The action quantity of arms, munitions and cattle. The action

To his Excellency the Baron Do Herval:—

I have the greatest satisfaction in communicating to you that to-day, at five A. M., I ordered an attack to be made by part of the forces that marched with me from Tuyu-cué, on the enemy's fort called Estabelecimiento, which, as you know, lies above Laureles, and was of the greatest importance to Lopez because of its facilitating his communications and ravoring the herding of cattle. The fort had two intrenchments, with a garrison of 1,600 men, more or less, besides fifteen pieces of small calibre planted in the batteries. Our soldiers attacked with the galantry and bravery peculiar to them. The enemy was overcome after a tenacious resistance, fleeing disbanded to the lake bordering the locality, pursued by our soldiers, who felled with their blows those who had escaped with life from the fortification. The loss of the enemy was from 500 to 600 killed, leaving in our power the fifteen pieces spoken of by the above, a considerable quantity of arms and munitions which were in deposit. On our side we had 600 men hors de quantity of arms
posit. On our side we had 600 men had one posit. On our side we had 600 men had one position or less, between killed, wounded and bruised. You will please give the most stringent orders that as soon as possible the greatest possible number of carts may come hither, even those that may in any way be obtained from the sutters; this measure is rendered necessary because it will not do on any account to delay here the prizes taken from the enemy. This evening, at four o'clock, I intend to send to S. Solano the two brigades which suffered most, the rest of the force remaining here.

Your friend and companion,
MARQUEZ DE CAXIAS.

out, on the other hand, he abandoned it at the double quick soon after. If he could have held it he would have completely insulated the work higher up the river, called Laureles, and he would have shortened his line of slege six miles. Why then abandon so useful a position in quick haste? That's the mystery, Most think he was afraid of odious comparisons and fonght a little to allow his followers an opportunity to cry him up again. However, the passing of the batteries of Humalid by the Brazilian iron-clads is of real and great importance. The allied armies surrounded the fortress on the land side, leaving the Paraguayans only the road which they had made through the uncertain ground (or water) of the Chaco on the opposite side, through which some supplies could arrive from above the Brazilian post at Tayl, north of the fortress and on the river above. The six gunboats, with ordinary activity, can completely close this only practicable remaining communication with the rest of Paraguay, and the garrison of Humaita must starve in time or sally out and beat treble their strength entenched.

But some correspondents from the seet of war

guay, and the garrison of Humaita must starve in time or sally out and beat treble their strength entrenched.

But some correspondents from the seat of war assert positively that Lopez had already left Humaita to organize the defence upon an inner line, that of the deep river Tebicuary, which nows into the Paraguay some forty miles above Humaita. The position is naturally a strong one, and it defends all that is valuable in the territory of Paraguay. Heavy works are already raised to guard its passage and, although the Marquis de Caxlas has pomponsiy announced officially that he was on the point of leading 10,000 men himself northward to Asuncion, few will be surprised if the defence of the Tebicuary be alone sufficient to cut short the triumphal military procession he anticipates. Doubtless the advantage which their iron-clad gunboats give the allies will, in time, break down all defences which these can attack; but such is the veneration for their ruler, to which the Jesuit civilizers trained in former times the Indian tribes which form now the Paraguayan nation, that so long as the "Supremo" remains uncaptured and defiant so long will the Paraguayan war continue, hopelessly for the Paraguayans it will be no doubt, but terribly exhausting to the nations allied against them. One cannot but admire their persistent bravery and the exceeding sacrifices which so small a people makes to battle against nations numbering twenty times its population, even although one's sympathies be wholly with the allied Powers, who are lighting in the strictest self-defence against aggressions of the Paraguayan despot, and whose success will be the triumph of civilization, commerce and the rights of men to freedom.

Up to the present no intelligence has come from

to them some thirty miles over a bad road, and the few men they can bear in them could do little in cutting wood where ambushes and surprises are to be looked for at every spot. The capture of Humaitá still remains, as formerly, the absolute necessity of the war, but who will venture to predict the day or month when it will fall, where the besieging general fears to besiege it actively, and where the besieged are men like the Paraguayans, accustomed to hardships and seanty food, and possessed with a spirit of fanatical endurance, superadded to a bravery and determination not often paralleled in history.

The reported desertion of Asuncion and the river towns has an ominous look, and shows the Paraguayans mean to fight it out in the interior of the country, where the iron-clads cannot reach them. If so, when may the war be fluished—in one, two or three years? Quien sabe?

The Brazilians are jovial, and are preparing their cities for the triumphant peace they expect each day. Possibly their flowers will wither, their flags fade and their rockets mould before that day appears.

A rebellion broke out in Montevideo on the 19th of February, which resulted in the assassination of President Flores. The blanes party, under the lead of ex-President Berro, through a forged letter, got

President Flores. The blanes party, under the lead of ex-President Berro, through a lorged letter, got Flores and his secretaries, Flangim and Erriscal, to repair in a carriage to the government house. On the way the party was attacked by four men, who killed the driver and Flores, and wounded the remainder. Flores received eleven stabs and one shot. The scenes of violence that ensued resuited in the death of Berro and one of his sons, with a large number of their adherents. All the troops remained faithful. General Battle succeeds as President.

infend to send to 8. Stone the two brights and the stone of the force remaining a control to 8. Stone the two brights and the stone of the force remaining. Your friend and companion.

Your friend and companion.

Two hundred of the exakity (1,700 were Argantines. In a report to the Minister of War, dated the 200 of the force of the force of the force would be sent by the communications from the iron-date gone up the force of the force of Argantines. One of the stone of the force of Argantines, consisting of citity infanty, and there were an additive covered with the river to cooperate with the force of the companion of the force of Argantines, consisting of citity infanty, and there were an additive covered with the control of the force of Argantines, consisting of citity infanty, and there were instance, and on the Child.

As the vessels neared the London battery the Farracto for one were were instance, and on the Children of the board. Toroptodes had also been fastened at the board of the control of the force of the control of the con

wall.

THE GREAT RAILROAD WAR.

The Contempt Proceedings Against the Eric Railway Directors—Examination of Wit-nesses—William Belden Committed on Six Charges for Refusal to Answer, but Allowed

against Eldridge, Davis, Thompson, Skidmore and Lane, directors of the Eric Railway Company, which were some time since sent to a referee to take proof of the alleged contempt in violating the injunction in the Schell suit, was resumed in the Supreme Court, General Term room. Judge Barnard, in view of the trouble and dispute which had arisen between the various counsel and the referee, having determined to

two hundred and fifty certificates each; I think four of them were given to me.

Q. What request was made to you?

By Mr. Field—I object to that question. Mr. Fleid—I object to that question. Mr. Fleid—I object to that question. Mr. Fleidridge is not a defendant, and it would be hearsay and not evidence.

A. He requested me to sign them, he did not specify the number; the books contained one thousand certificates; I took them to my house and signed them that night and the next day; I signed them all between that night and Monday morning, except one that was not finished; some of the books were sent for on Sunday; I do not remember the hour; a boy named George, who is in the office of the private secretary of the President, came for them; the private secretary is Mr. Noian; George is still in the service of the company; I don't remember his other name.

O. By Mr. Clark—What did he say?

secretary is Mr. Noian; George is still in the service of the company; I don't remember his other name.

Q. By Mr. Clark—What did he say?

Objected to by Mr. Field as being irrelevant.

Judge Barnard—I will strike it out if they don't make the connection afterwards.

Mr. Field—Then what is the use of asking it?

Judge Barnard—I suppose because the counsel never loses an opportunity of saying something.

After argument by Messrs. Clark and O'Conor in favor of the question and Mr. Field in opposition the objection was overruled.

A. I don't remember what he said; he is still in the pay of the Eric Railway Company; I knew he was coming from what the transfer cierk said; he asked me to fill the one with the lowest numbers first and he would send for it the next day; the books were numbered; I don't timk I have the memorandum with me by which I can give the numbers; if you have my testimony before the committee of the Legislature I can give you the numbers. (Documents were handed to the witness.) The first two books were from 63,001 to 63,251, and from 63,251 to 63,500, and from that up; the other two-books were not filled; they would number five hundred beyond; we always sign the lowest number first; the book he wanted me to sign first was 65,001 to 63,251; I sent it to him; I think the blanks were not filled; I do not himk I was asked to sign them in blank; I could not say the word "blank" was used; no signatures were attached to them; they had not been signed by Mr. Otis; I wrote nothing but my own signature; I have the stubbs of two of those books in court; I took the other three to the onice on Monday morning, except one; the last I saw of that one it was in the hands of the President; I crased my name from the last before I delivered it; I delivered two to the secretary wr. Otis, in his office; his office is in the building known as the Erie Building, corner of Duane and West streets; the directors room, vice president's room and secretary's room are also there; the certilicates have been cancelled in two book

firms; Mr. Otis is secretary; he is here;

firms; Mr. Olis is secretary; he is here; Mr. Kilbura is transfer clerk; he is not here.

Q. Where does he reader A. In New Jersey.

Q. May I ask how long he has been there? A. He has lived there, I think, a good many years. His father resides there. His office is in Pine street.

Q. Is it open? A. I have not been there.

Q. Do you not know whether it is open? A. I know what is said, and what I suppose; I do not know what the said, and what I suppose; I do not know what the south of the secretary that the books were closed.

Mr. Clark was continuing the examination on this point, when Mr. Field objected.

Judge Barnard—I don't think he has sufficient information to make this evidence strictly legal.

The witness—I have no doubt the office is closed.

By M. O'Connor—Since when the office has been closed?

By M. O'Connor—Since when the office has been closed?
Objected to by M. Field, and examination closed.
Mr. Wm. Beiden was then sworn, and it was proposed by Mr. Field to continue the cross-examination which had barely commenced last week before the referce, Mr. Haskin.
Mr. Clark claimed that the direct examination had not been concluded.
Considerable discussion followed, Mr. O'Conor claiming that this examination was new and independent of that before the referce.
Judge Barnard said that they could treat the examination of this witness before the referce as not being in existence. He had read the newspaper reports and found no answers relevant.
Mr. Field said that his side had objected to the reference, to the referce and to the form of the order, and now the other side ignored all that and proposed to proceed with this examination as de novo.
Mr. Bidden's examination was then resumed by Mr. Bidden's examination was then resumed by

Mr. Belden's examination was then resumed by

Mr. Clark.
Q. What is your business? A. I am a banker and stock broker.
Q. What is your firm? A. Fisk, Belden & Co.
Q. Who are the members of your firm? A. James Fisk, Jr., William B. Bradford and myself.
Q. Have you a cashler or head bookkeeper? A. We have several clerks who hold positions of responsibility.

We have several cierks who hold positions of responsibility.

Q. Have you a cashier or head bookkeeper?

Mr. Field objected to having the question categorically answered.

A. I don't think the question is a clear one.

Q. Who on the 9th of March, 1868, had charge in the office of Fisk, Belden & Co. of delivering certificates of stock of the Erie Railway Company?

Objected to as immaterial.

Q. Is any member of your firm a director of the Erie Railway Company?

A. James Fisk, Jr., is a director.

c. is any member of your rim a director of the fire Railway Company? A. James Fisk, Jr., is a director.

Q. Was he in March last? A. I believe he was. (The book of certificates of stock having been shown the witness.)

Q. Was he signature of William Belden on the first page in your handwriting? A. It is.

Q. When did you make that signature?

Mr. Field objected that when he made the signature was immuterial, and that as the answer might tend to criminate him he was not bound to answer it. That particular question might not be so very objectionable, but it was one of a whole class of testimony which would be objectionable. The impuretion was against the Eric Railway Company, its directors and agents. If the witness received he received them as the agent of some one of the defendants and was nimself within the scope of the injunction, and asking him questions at all was asking him what might criminate nim and render him hable for misdemeanor. Judge Barnard—I cannot see how the answer to

Judge Barnard.—I cannot see how the answer to that question can tend to criminate him.

Mr. Field.—But the witness must judge of that.

Judge Barnard.—I think that a proper question.

Question repeated. A. I understand that the gentiemen have been charged with violating an injunction. My answering your question might tend to implicate me. As I do not think I ought to be asked to testify against myself I ask to be excused and place myself upon my rights.

Mr. Clark.—We ask the court to compel him to answer.

Mr. Clark—we ask the court to compermine of the answer.

Judge Pierrepont—It is within the province of the court to decide that the witness may state to the court, the piease, the position which he occupies; and I anderstand that he appears, therefore, to the court whether he shall answer this question.

Mr. O'Conor—No private conversation is to be had.

Judge Barnard—I don't think the ground sufficient to exceed him. to excuse him.

After argument by Judge Porter and Mesere.
Pield and O'Conor, Judge Barnard required the witness to answer.

A. A truthful suswer to that question would orim-

nate myself, I believe, and I shall place myself upon my rights.

Judge Barnard—The court sees no way by which you, not a party to this action in any shape, can be criminated, and directs you to answer the question for thwith or take the consequences.

Witness—I will endeavor to be respectful.

Judge Barnard—Do I understand you to decline

swer.
Judge Barnard—I do not press you; it is of no interest to me. Will you or will you not answer as put to you by the counsel and as stated to be correct by the court?
A long argument here ensued between Messrs. O'Conor and Fleid, the former raising the point that the latter had no right to discuss the question, it being a question between the court and the witness, and the parties seeking the testimony only.
Judge Plerrepont said the witness had already answered the question in stating that a truthful answer might criminate him.

Judge Pierrepont said the witness had already answered the question in stating that a truthful answer might criminate him.

Witness—I cannot see any reason why the question should be asked except to criminate me.

Judge Barnard—There is no intention on the part of the court to argue it with the witness.

Witness—I have given all the answer that I can. Judge Barnard—And you don't intend to give any other? (No answer.)

The Judge thereupon ordered the commitment of Mr. Belden to the county jail of the county of New York until the question be answered, but not exceeding thirty days.

By Mr. Clark—Q. Where were you on the 9th of March? A. In various places; I was at Fisk, Belden & Co.'s office on that day.

Q. Did you on that day see any directors of the Eric Railway Company? A. I cannot tell; I have no recollection on the subject.

Q. Did you on that day apply to any person to become a subscribing witness to the transfer of certificates of stock of the Eric Railway Company, dated March?, 1888?

Objected to as irrelevant and tending to criminate. Objection overruled as regarded the irrelevancy.

A. My answer is the same as before.

Judge Barnard—Do you decline to answer? A. A truthful answer to that question would, I believe tend to criminate myself, and I therefore piace myself upon my rights.

Judge Barnard—Do you decline to answer. A. I don't understand that I ought to answer.

Judge Barnard—Do you decline to answer.

The witness remaining mute, another order of commitment was directed against him in the same terms as the previous one.

The witness further testified—I know the signature on the endorsement of that certificate (a certificate of Erie stock being shown him.)

Q. Whose endorsement is it? A. Mine.

Q. Did you make it?

Objected to as being a repetition of the previous

to as being a repetition of the previous

Objected to as being a repetition of the previous question.

Mr. Clark—I will ask the counsel when he states an objection to rise and act like a gentleman.

Mr. Field—I submit this is no fit spectacle for a court of justice. I objected in a mild tone of voice that the question was irrelevant and might tend to criminate, and that it had already been answered.

Mr. Clark—He said it was an idle question. He did not state these objections. Counsel when they make an objection in court should rise and state those objections fully.

Mr. Field—it is certainly matter of felicitation that we are to be taught decorum and dignity by so true a master. Counsel rises for the purpose of teaching us, and as he has now given us his lesson I hope that lesson will suffice.

a master. Counsel rises for the purpose of teaching us, and as he has now given us his lesson I hope that lesson will suffice.

Q. Where did you make that signature? Objected to for the same reasons as before.

An argument here followed as to the right of examining a witness after his commitment had been ordered for contempt, Mr. Pierrepont claiming that, as a matter of right and of law, the prosecution could not proceed and multiply contempt upon contempt to an indefinite number, and Mr. O'Conor arguing that there are instances recorded of half a dozen fines being inflicted on one trial and that this does not stop the witness going on.

Judge Barnard-Nothing in law is clearer than that, because otherwise any important witness might defeat the ends of justice by going to prison for thirty days each time his examination came on.

Q. Where did you make that signature? Objected to, as before; same ruling; and, the witness still decining to answer, another commitment ordered.

Q. Was that certificate of stock in possession of Fisk, Belden & Co. on the 5th of March, and from whom received? Objected to; overruled; refusal to answer and another commitment ordered.

Q. Are you the same Mr. Belden who brought before Judge Gilbert a suit and obtained an injunction?

A. I am.

Witness was then requested to stand aside, and Timothy G. Schilman was called, but his examination was objected to by Mr. Field, who claimed that Mr. Belden's cross-examination must go on before the introduction of another witness.

Mr. Belden then again took the stand. Mr. Clark handed him to look at the signature "Wm. Belden" and asy if it was in his handwriting. A. That appears to be my signature.

ny signature.
Q. Look at the signature to this adidavit of the loth of March and say if it be in your handwriting?
A. I believe it is mine.
Q. Did you apply to Judge Gilbert for an injunc-

A. I believe it of the control of th

sible and insist that that collusion must be put down. Parties have no right to so proceed. As to the truth or falsity of the allegations upon which the injunction was obtained we have nothing to do. We think we know that they are wholly false. The party who swore to them may have been wholly misinformed. We will not bring in all that, but we want to show that it was a sham suit.

Judge Barnard—It is proper to show that.

Mr. Clark—I propose, before this examination is through to show the entire faisity of that charge, and I have the affidavits ready, but I do not propose to show it by Mr. Belden.

Q. When did you apply for that injunction? A. You will have to state your question more clearly.

Q. Did you get an injunction from Judge Gilbert?

A. I received what I believe is called a mandatory injunction; I believe it was granted by this justice; no one applied for what we got; I believe that I applied for an injunction arresting these several suita, and Judge Gilbert suggested himself that we do alter the application so that we could give what we did.

Q. Then you applied for two injunctions? A. The origininal complaint varied somewhat from the one I have been shown; I will explain the circumstances—

Q. Were you present when the application was

Stances—
Q. Were you present when the application was made to the Judge? A. No, sir.
Q. Then how do you know about it? A. I know it the same as I know the injunction was issued.
Q. Have you ever seen the original injunction? A. I hold a copy in my hand now.
Q. I ask the witness what he knows about it? A. I believe the Judge suggested himself giving a mandatory injunction.

Q. Do you know Judge Gilbert—did you ever see him? A. It is didicult to say; I resided in Brooklyn him? A. It is difficult to say; I resided in Brooklyn some time. Q. Did you ever see him concerning the injunction? A. No. sir.

some time.

Q. Did you ever see him concerning the injunction?

A. No, sir.

Q. Do you know anything about what the Judge did, except what your counsel has told you? A. I know it as I know of other injunctions.

Q. Where was the complaint drawn? A. In Mr. Field's office.

Q. Do you know anything about it except what you learned? A. I believe the original papers were returned; I was not present.

By Mr. O'Conor—Then of course he don't know.

Q. Do you remember when your application was made to Judge Gilbert? A. I cannot tell you.

Q. Can you give us no idea of the time? A. Early in March.

Q. Had you in your possession at that time any certificates of stock of the Eric Railway Company dated March 7, 1888?

A. It is impossible for me to say.

Q. Had you then in your possession, or were there in the possession of your firm, any convertible bonds of the Eric Railway Company convertible into stock?

Objected to as before, and same ruling.

A. I have already told yon I do not recollect the date; I was several days over the complaint; I cannot tell the date except only in March, between the 1st and 10th.

Q. Where were you on the evening of March 7? A. I could not tell you.

Q. Where were you on the evening of March 7? A. I could not tell you.

Q. We you at the house of Mr. Field? A. Possibly so.

Q. Do you know David Groesbeck? A. I do.

Q. Do you know David Groesbeck? A. I do.

Q. Do you know David Groesbeck? A. I do.
Q. Did you see him that higher A. I cannot tell you. Q. Do you know Martin B. Green? A. I have seen

Min.
Q. Did you see him on that evening? A. I cannot tell you.
Q. Did you see Daniel Drew on that evening? A. I have no recollection.

Q. Did you see Daniel Drew on that evening? A. I have no recollection.
Q. Did you see Jay Gould that evening? A. I may or may not have.
Q. Did you ever see Mr. Gould at Mr. Field's house?
A. I believe so.
Q. And Mr. Green? A. I could not tell you.
Q. Is your memory good or bad? A. That is entirely a matter of judgment.
Q. Was there not received at the office of Pisk, Beiden & Co., boott 6th March, 250 certificates of stock of \$100 each corresponding to that receipt? Objected to as before.
Judge Barnard—Do you decline to answer? A. I can repeat, a truthful answer to this question would tend to or minate me, and I therefore place myself upon my rights.
Judge Barnard—He declines by remaining mute after being directed to reply.
On inotion of Mr. Clark is was ordered to be committed as before.
Q. If there were in the office of Fisk, Beiden & Co.

Q. Is he a member of the stock board? A. I he oknowledge.
Q. Did he attend at your office on or about May 9 for the purpose of being a subscribing witness the transfer of a large number of certificates of sto [Objected to as before, and same ruling.] A. A truly answer to that question would tend to crimin me, and I must again place myself upon my right Judge Barnard—Do you therefore dectine answer? A. That is my answer.

On motion of Mr. Clark another order of comment was ordered.

possibly could use.

Mr. Pierrepont said that if the evidence was stand at all they had the right to cross-examine.

might be that the witness might die, or he might in prison, and an opportunity for examination never be had.

be had.

Judge Barnard said it was a plain principle that the cross-examination never proceeds u direct examination was-concluded.

Mr. Fullerton urged that the opposite m will have asked half an hour ago to interrudirect by a cross-examination for fear the umight die before they got through with his hoped Mr. Belden would not die in his present condition.

hoped Mr. Belgen would have condition.

Mr. Field further urged their right to cross-examine, but was overruled, after which the Judge stated that it being three o'clock the examination would be clused for the day and resumed to-day at cleven o'clock.

The court was kept open for some little time for the entering of the orders for commitment, but utilizately, on counsel pledging that Mr. Belden would appear to-day, at cleven o'clock, he was allowed to go on his parole.

The Chicago and Rock Island Litigation Motion to Dissolve the Injunction Denied. Rufus Hatch, on Behalf of Himself and All Oth Stockholders of the Corporation, Defendants Herei vs. The Chicago, Rock Island and Pucific Bairro FORD, J.—These suits were originally commenced in the Supreme Court of the State of New York. parties, plaintiff and defendant, to both suits are the same, except that Edward W. Dunham is a party to the second suit and is not a party to the first The suits are now in this court either as respects all of the defendants in each or as respects the defendants, the railroad company and Tracy, or one of them in each, by virtue of certain proceedings for the removal of the same from the State court into this court, taken in the State court on behalf of the railroad company and Tracy. * * * The plainting insisting that if the suits are in this court at all they using any of the moneys of the company for sugpurpose or in execution of any contract to bull
such extended road, and from further increasing the
capital stock of the company, and from using the
proceeds of any of the new forty-nine thousand
shares, except to redeem and extinguish such share
until the stockholders of the company shall at the
next annual meeting in June, 1868, or at any special
meeting to be called for that purpose, have passed
upon the action of the directors in issuing the nessinares and upon the disposition to be made thereof, of the proceeds thereof, and in regard to the propose
extension of the railroad. The complaint also pray
that the defendants may during the pendency of the
action be enjoined and restrained as above provided
and that a receiver of the proceeds of the 49,000 nes
shares may be appointed. On this complaint, and
on affidavits accompanying it, an exparte injunctio
was issued by the 'State court on the 6th of Januar,
1868, enjoining and restraining the defendants untithe further order of the court, as above prayed for.

The complaint in the second suit reasserts the allegations of the complaint in the first suit, an
brings in as an additional defendant Dunham
who is the treasurer of the company, but no
one of the directors. The prayer of this complaint is for a judgment as asked for in the
first complaint, and further that the defendants we
enjoined and restrained from removing any of the
books of the company, or of the directors, or of the
texecutive Committee, bejond the jurisdiction of
the court, and from preventing the plaintiff and
other stockholders from obtaining an examination
and inspection, and from removing the plaintiff and
other stockholders from obtaining an examination
and inspection, thereof, and from interfering
with them in making such examination and
inspection, and from removing the proceeds of
the 49,000 new shares of stock, or any other property
or proceeds thereof, beyond the jurisdiction of the
court, and from permitting to be made any transf

spans the defendant applying for its removal chall continue in force until modified or dissolved by the United States court into which the cause shall be moved. A motion is now made to this court on the part of the company and Tracy to dissolve and set aside the said injunction.

No order by the State court for the removal of the cause is necessary. The right of the defendant to a removal is not dependent on the question whether the State court does or does not make an order for the removal. If it were so dependent the refusal of the State court in a proper case to make such an order would make it impossible for the defendant to secure the removal except by carrying the suit through the State tribunals, and then carrying it from the highest State tribunals, and then carrying it from the highest State tribunals and then carrying it from the highest State tribunals and then carrying it from the highest State tribunals and then carrying it seems in violation of the twenty-lifth section of the act of 1789. A defendant is not, however, where a State court is improperly proceeding in a cause in violation of the twelfth section of the act of 1789, restricted to such mode of relief. Where the right to remove a cause is complete the power of the State court in respect to the cause is at an end, and the defendant is not obliged to follow the cause further in any State court, either of original or appellate jurisdiction. (Kanouse vs. Martin, I Howard, 1881.) If he does all that is necessary to secure an order of removal or not, he can secure and perfect the removal bail in necessary. When that is done the cause will proceed in this court. These observations are made for the purpose of showing that these causes are removed wholly and not partially, and are removed as between all the parties thereto, the only parties thereto being those who are the real parties—namely, the plaintiff and the order of the State court in each case states that named act.

These cases having been thus removed into this court under the act of 178

restrained during the pendency of the acti-the complaints in the two suits, and on afflict the part of the plaintiff, an exparte injunction sued by the State court on the 7th of Januar enjoying and restraining the defendants un further order of the court, as so prayed for complaint in the second suit. It is provided

THE OCEAN STEAMER MACE.

TO THE EDITOR OF THE HERALD:-A long account appeared in the HERALD of the 19th inst, of a match which it asserted had been made between the Cuba and the City of Paris. I will feel much obliged to you if you will allow me to state through your columns that no such match has been through your columns that no such match has been made nor ever thought of. A regard for our own made nor ever thought of. A regard for our own to margater and for the opinion of those who travet in our steamers induces me to publish this correction. The changes consequent upon our steamers sailing weekly from New York left me a spare ship to send back to England in addition to the steamer with the mails on our regular day. This accounts for the Onba sailing on Saturday, and had no more reference to the Oity of Paris than it had to the St. Laurent or any of the three other steamers which sailed on that dag. I may add that I do not make bets on steamers, and have none pending on the Cuba. Your obedient servant,

FATAL RESULT.—La Flanume, the Canadian who

FATAL RESULT.—La Flamme, the Canadian who was so brutally assented in his bed at the Merino Village, Dudley, last Thursday night, died of his nightest and Dore, who are suspected of committing the deed, are in custody, and will be brought before Trial Justice Stockwell next Wednesday, at ulus o'clock A. M.—Worcester Spy, April 20.